



STATE OF TENNESSEE
DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES

Ellington Agricultural Center
P.O. Box 40627
424 Hogan Road
Nashville, Tennessee 37204

November 19, 2013

Mr. David Franks, Owner
D & R Farms
8453 Lutts Road
Lutts, TN 38471

Subject: **Permit Tracking No. SOPC00037**
D and R Farms
Lutts, Wayne County, Tennessee

Dear Mr. Franks:

I recently reviewed the additional information you submitted for your application for Concentrated Animal Feeding Operation (CAFO) permit coverage for your farm. This letter is to inform you that several issues still need to be resolved before I can approve your Nutrient Management Plan (NMP) as required to issue your CAFO permit. I have included a detailed list of my comments from my letter dated October 14, 2013, as well as their current status (please see attached). Items listed as "Resolved" require no further action on your part; items designated as "Pending" required additional action or information to resolve.

Please address each of these comments and make appropriate explanations/corrections or provide the requested additional information. Once I receive your corrected NMP addressing all of the pending comments, you will have submitted all required elements of a CAFO permit application. Pending approval, a notice will be sent to the Tennessee Department of Environment and Conservation (TDEC) who will then issue the permit.

Please submit the requested information within 60 days of the date of this letter. If TDA does not receive the missing information, we will notify TDEC that your permit application remains incomplete and you may be subject to possible enforcement action. If you need additional time to complete your NMP please contact me (contact information listed below) prior to the above listed deadline.

If you have additional questions regarding permit requirements or how to fulfill them, please feel free to contact me at (615) 837-5492 or Heidi.McIntyre-Wilkinson@tn.gov. Thank you for your cooperation in this permitting process.

Sincerely,

Heidi McIntyre-Wilkinson
Environmental Specialist

Enclosure: Comments Regarding the Nutrient Management Plan (NMP) Developed for D and R Farms, Notice of Intent (copy)
cc: Permit File
Erin O'Brien, TDEC, Erin.O'Brien@tn.gov



TENNESSEE DEPARTMENT OF AGRICULTURE

Water Resources Program

Comments Regarding the Nutrient Management Plan (NMP) Developed for D&R Farms

November 19, 2013

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1. The application packet was missing the required Notice of Intent (NOI). Please complete the enclosed NOI form in its entirety, and return it with your revised NMP.
This item has been "Partially Resolved." Although you submitted an NOI dated November 7, 2013, the NOI was missing information such as the latitude/longitude for the operation and the name and distance to the nearest receiving water(s). I have enclosed a copy of the NOI. Please add the missing information to complete the form.
 2. Please provide an updated ortho map of the operation. The ortho must include the property boundaries (both for the production area and the fields to which manure is applied) and the location of animal barns/houses, compost bins, manure lagoons/ holding ponds, nearby roads, sinkholes, neighboring wells, wetlands, etc. Looking at a recent ortho of the site, it appears that there are two sheds (one north of the production barns, one east of the production barns) that were not described in the NMP. Please identify these structures, and indicate how they support the operation (i.e. composter for mortality management).
Resolved. No further action is needed for this comment.
 3. The NMP does not include which best management practices (BMPs)/conservation practices will be used to manage production areas. Please describe what BMPs are in place and/or planned for installation to manage the production areas. (BMPs for the field application areas were adequately addressed.)
Pending. Additional information received by TDA on November 19, 2013 addressed BMPs for the fields/land application, which had been adequately addressed in the January 11, 2013 submission. BMPs for the production areas are still required. Also, a portion of the information received on November 19, 2013 appears to be for a poultry operation (as opposed to hog finishing operation). See Page 1 of 5 of the additional information packet, Tract 4876, for the poultry operation reference. If poultry is also being raised at this location, the NMP will need to be re-written to account for the poultry production (i.e. number of animals, litter management, etc.).
 4. Additional information is required regarding the current method of mortalities management. Section 2 – Proposed System Description states that large animal composting options were under consideration as of the date of the Plan. Section 5, under the Dead Animal Management heading, states that normal mortalities will be rendered by Griffin Industry. It is my understanding that Griffin Industries will no longer accept farm mortalities for rendering. The alternative method given was burial, but it is unknown whether this is the method currently employed, or if composters have been constructed. Please provide updated information about mortalities management.
Partially resolved. In your written response letter, you explained that mortalities are currently being composted; however, the NMP received November 19, 2013 still references Griffin Industries/rendering



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for animal mortalities. Please revise the NMP to include updated information regarding mortalities management (e.g. composting).

5. The NMP must state that clean water is diverted from the production area. (The current NMP only addresses the preventing rainwater from entering the manure storage pits.)
Pending. No new information regarding the diversion of clean water from the production area was provided.
6. New soil test and manure test results accompanied the application packet, but it does not appear that the nutrient budget/nutrient balance sheets have been updated to include the newest data. Please revise the nutrient budget to include the most recent information.
Pending. The nutrient budget/nutrient balances have not been updated to include the newest manure analysis/data. For example, Section 6 states that the manure has 10.8 pounds of nitrogen /1000 gallons; however, the newest laboratory report (dated 01/07/2013) states that the manure has 25.5 pounds of nitrogen/1000 gallons. Please update the NMP to reflect the most recent manure analysis, including nutrient budgets/nutrient balances.
7. The NMP indicates that manure is applied on a nitrogen basis. Please provide copies of the Tennessee Phosphorus Index worksheets used to validate this decision.
Pending. The Phosphorus Index worksheets have not been provided. If applying based on nitrogen levels, the Phosphorus Index worksheets must be submitted. If the application rates are based on phosphorus, this should be clearly stated in the Plan.
8. The Closure Plan does not provide a timeline for the completion of closure activities. All closure activities must be completed within 360 days. Please include a statement in the Closure Plan that indicates all closure activities will be completed within 360 days of ceasing operation.
Pending. The Closure Plan received November 19, 2013 did not provide a timeline for closure activities. Please revise the Closure Plan to include a statement that all closure activities will be completed within 360 days of ceasing operation.